

United States District Court

WESTERN DISTRICT OF WASHINGTON

JAMES C. OSBORNE,

v.

STEVEN JEWITT, et al.,

JUDGMENT IN A CIVIL CASE

No. CV10-5431RBL/JRC

____ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant's Motion to Dismiss is GRANTED. Defendant Vail is DISMISSED WITH PREJUDICE for lack of personal participation; and
- (3) The entire action is DISMISSED WITHOUT PREJUDICE for the failure to exhaust administrative remedies.

January 7, 2011
Date

WILLIAM M. McCOOL
Clerk

s/ Mary Trent
Deputy Clerk